

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P42634	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/AT2004/000011	International filing date (day/month/year) 16.01.2004	Priority date (day/month/year) 24.01.2003
International Patent Classification (IPC) or national classification and IPC C09D 5/03, C08K 3/22, 3/36, 9/06		
Applicant TIGERWERK LACK- UND FARBENFABRIK GMBH & CO. KG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2004/000011

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-8 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-8 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2004/000011

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Claims 1-8

YES

NO

Inventive step (IS)

Claims

Claims 1-8

YES

NO

Industrial applicability (IA)

Claims

Claims 1-8

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

See Supplemental Sheet

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. VI

Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

See Supplemental Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box V

1. In this opinion reference is made to the following documents:

D1: DE 195 00 377 A (CHEIL SYNTHETICS INC)

7 September 1995 (1995-09-07)

D2: WO 81/01857 A (POLYMER CORP) 9 July 1981

(1981-07-09)

D3: US 5 049 596 A (FUJIMOTO YOSHIHISA ET AL.)

17 September 1991 (1991-09-17)

2. INDEPENDENT CLAIM 1

- 2.1 The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel (PCT Article 33(2)).

D1 discloses (the references in parentheses relate to said document) a method for preparing polyester resins, which method comprises: esterification of a carboxylic acid with a glycol; addition of silica particles and fine alumina particles having a primary diameter of 10 to 70 nm; condensation polymerisation of the resulting mixture to give a polyester resin, and melting of said resin (page 2, lines 38-42 and 67-68). A polyester film is then formed from the molten resin. The resin obtained would, however, also be suitable for preparing powder coating materials.

Supplemental Box

D1 therefore prejudices the novelty of the subject matter of claim 1.

The same applies to dependent claims 4 and 5.

- 2.2 The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel (PCT Article 33(2)).

D2 discloses (the references in parentheses relate to said document) a method for preparing powdered coating compositions, which method comprises the melt mixing of between 0.5 and 5.0% by weight of a hydrophobic fumed silica into an epoxy based resin (claim 7). Aerosil R 972, which has a particle size of between 5 and 50 nm, is cited as an example of hydrophobic fumed silica materials (page 2, lines 31-34).

D2 therefore prejudices the novelty of the subject matter of claim 1 and of dependent claims 2-6.

- 2.3 The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel (PCT Article 33(2)).

D3 discloses (the references in parentheses relate to said document) an epoxy resin based powder coating composition containing 0.01 to 2 parts of

Supplemental Box

a microfine silica having an average particle size of 1 to 100 nm, based on the weight of the resin binder (column 3, lines 47-51). Optionally, the silica particles can be coated with a silane coupling agent (column 3, lines 59-68).

D3 therefore prejudices the novelty of the subject matter of claim 1 and of dependent claims 2-6.

3. INDEPENDENT CLAIM 7

- 3.1 The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claim 7 is not novel (PCT Article 33(2)).

D2 and D3 disclose powder coating materials based on plastics binders which are added as described in the present claim 1.

4. INDEPENDENT CLAIM 8

- 4.1 The present application does not satisfy the requirements of PCT Article 33(1), because the subject matter of claim 8 is not novel (PCT Article 33(2)).

D2 and D3 disclose coatings consisting of the above-mentioned powder coating materials.